SHRI VISHWANATH PRATAP SINGH: May I introduce Mr. M. M. Jacob as Minister of State in the Department of Parliamentary Affairs.

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## STATEMENT BY MINISTER

**Correcting the reply given in the Rajya Sabha on the 5th August, 1986 to Starred Question 267 regarding Provident Fund outstanding against M|s Amrita Bazar Patrika Limited and M|s Jagantar Limited**

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR (SHRI P. A. SANGMA): Sir, in reply to Rajya Sabha Starred Question No. 267 dated 5th August, it was stated *inter-alia* that the employees' share of provident fund contributions shown outstanding against M|s. Amrita Bazar Patrika Ltd. and M|s. Jagantar Ltd. has not been paid and that complaints under Section 406|409 IPC had been filed in both the cases recently and the matter was being followed up with the police authorities. It has, however, been found on further verification that the employees' share of provident fund contribution upto March, 1986 had already been deposited by the two establishments and that no complaints under Section 406|409 IPC had been filed against them. In view of the position stated above, the corrected answer to the question would be as follows:—

"(a) According to the provident fund authorities, both the Newspapers have deposited the employees' share of provident fund money, deducted upto March, 1986.

(b) and (c) A show cause notice was issued to the management of M/s. Amrita Bazar Patrika on 25-7-1986 asking as to why action should not be taken to prosecute them under section 406|409 IPC for non-payment of employees' share of contributions for April and May, 1986. A similar show cause notice was issued to M/s. Jagantar Limited on 26-6-1986, for non-payment employees' share of contribution for the month of April, 1986"

The omission is regretted [Placed in Library. *See* No. LT-3140/86].

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## PROCLAMATION UNDER ARTICLE 356 OF THE CONSTITUTION

MR. CHAIRMAN: Now proclamation under article 356 of the Constitution.

SHRI LAL K. ADVANI (Madhya Pradesh): Sir,....

MR. CHAIRMAN: I will allow you after the Minister lays it on the Table.

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P. CHIDAMBARAM): Sir, on behalf of the Minister of Home Affairs, Shri Buta Singh, I lay on the Table:—

(a) Proclamation (G.S.R. No. 1061(E), issued by the President on September 7, 1986, under article 356 of the Constitution, in relation to the State of Jammu and Kashmir, under clause (3) of the said article.

(b) Order (G.S.R. No. 1062(E), dated September 7, 1986, made by the President under sub-clause (i) of clause (c) of the proclamation mentioned at (a) above.

(c) Report of the Governor of Jammu and Kashmir dated September 3, 1986, to the President recommending the issue of the Proclamation.

(d) Notification G.S.R. No. 1122(E) of the Ministry of Home Affairs dated October 1, 1986, publishing a corrigendum to G.S.R. Nos. 1061(E) and 1062(E), dated September 7, 1986.

II. Proclamation (No. P-1(86 of 1986) (in English and Hindi) issued by the Government of Jammu and Kashmir on

March 7, 1986, under section 92 of the Constitution of Jammu and Kashmir, under sub-section (6) of the said Section read with sub-clause (i) of clause (c) of the Proclamation issued by the President on September 7, 1986, in relation to the State of Jammu and Kashmir. [Placed in Library. *See* No. LT—3120|86 for I & II].

MR. CHAIRMAN: Now Mr. Advani.

SHRI LAL K. ADVANI: Mr. Chairman, Sir, three days back we received the 'list of business' in which it was mentioned that the Home Minister would lay on the Table of the House several documents relating to the proclamation issued in respect of Jammu and Kashmir. Now these papers have been laid on the Table by the Minister of State. But that 'list of business' also says that subsequent to that the Minister would move a Statutory Resolution seeking the approval of the House for the proclamation issued by the President on the 7th September, 1986. Sir, the revised list of business that we have received today includes all these papers to be laid on the Table of the House, but conspicuously omits the Statutory Resolution which had been listed in the original list of business and which has now been dropped. Sir, in all fairness I would say that whenever a matter of this kind happens that a motion is listed by the Government and subsequently in the revised list of business dropped, it should be accompanied by a statement by Government as to why it is being dropped. In this particular case this is not the occasion for me to go into the politics of all that is happening in Kashmir, for that will be done on another occasion. I hope this Parliament would not be shut out from discussing the Kashmir issue completely in all its ramifications and in all its dimensions because I hold the oppotunistic alliance that is taking place...

MR. CHAIRMAN: No, Mr. Advani. I allowed you to raise only about this Proclamation.

SHRI LAL K. ADVANI: I will confine myself to the limited point. On an earlier occasion also when the Governor's rule was imposed, this House was not allowed to debate the issue. Now for a second time this is happening. The winter session of Parliament generally takes place in the third week of November. For the first time in the history of Parliament the session has been advanced to the first week of November obviously for the purpose approving the Ordinance, because under article 356 of the Constitution this proclamation has to be approved before the 7th November as it was issued on the 7th of September. Now, all of a sudden we find this kind of device whereunder we will be denied even an opportunity of discussing it. This is my first point. I would like a categorical assurance from the Government that there will be a full-fledged debate on the Kashmir situation against the context of the proclamation issued and the possibility of the proclamation being revoked now because a Government is about to be sworn in. (*Interruption*).

MR. CHAIRMAN: You know, if it is not placed, if it is not followed by a resolution, it lapses.

SHRI LAL K. ADVANI: Therefore, it is that I am demanding this assurance from the Government. (*Interruptions*).

MR. CHAIRMAN: No, no. You asked me to give some time for a discussion... (*Interruption*).

SHRI LAL K. ADVANI: And the Government has to agree to it. Sir, the second point that relates to me that is, it is my view and my submission that just as the presidential proclamation has to be approved by Parliament and a statutory resolution in that regard has to be brought in by the Government, I would think, by implications, that it is the right of a member to move a statutory resolution for disapproval. That now, we have not been doing it. Till now, we have been moving statutory resolutions of disapproval only in case of ordinances but not in the case of presidential proclamations under Article 356. I would like you to examine this possibility that hereafter, a member of the House also should have an opportunity and an opportunity by right to raise the matter so that it

should not be left to the executives sweet will. It may happen that on certain occasions simply to deny Parliament an opportunity of discussing a matter, they may take recourse to this kind of device. Therefore, if under Article 356, the proclamation has to be approved by Parliament as a whole, the members individually also should be conceded the right of moving a motion for disapproval which should be regarded as a statutory motion. Thank you.

MR. CHAIRMAN: You are aware that if the Government does not want to have the proclamation approved, they need not move the resolution and if they do not move the resolution, the proclamation lapses. Therefore, there is nothing for discussion. It is only when the proclamation is continued that there is something for discussion in the House. When the Government is not going forward with the proclamation and it lapses, there is nothing for discussion. (*Interruption*)

The second thing, an opportunity to discuss. So far as an opportunity to discuss the general Kashmir situation is concerned, we can always discuss that in the Business Advisory Committee and I will look into it. Mr. Prime Minister may introduce his Ministers now.

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## MINISTERS INTRODUCED

THE PRIME MINISTER (SHRI RAJIV GANDHI): Mr. Chairman, Sir, I introduce the following Ministers:-

1. Shri Arjun Singh, Minister of Communications.

2. Shri Bhajan Lal, Minister of Environment and Forests.

3. Shri J. Vengal Rao, Minister of Industry.

4. Shri P. R. Das Munshi, Minister of State in the Ministry of Commerce.

5. Shri R. Prabhu, Minister of State in the Department of Fertilizer in the Ministry of Agriculture.

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## PAPERS LAID ON THE TABLE

Statement showing the Bills passed by the Houses of Parliament during the Hundred and thirty-ninth Session of the Rajya Sabha and assented to by the President.

THE SECRETARY-GENERAL: Sir, I beg to lay on the Table a statement (in English and Hindi) showing the Bills passed by the Houses of Parliament during the Hundred and thirty-ninth Session of the Rajya Sabha and assented to by the President. [Placed in Library. *See* No. LT—3136|86].

I. Report of the Fourth Central Pay Commission.

II. Ministry of Finance Resolution relating to the recommendations of the Fourth Central Pay Commission.

III. Notifications of the Ministry of Finance.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI M. M. JACOB): Sir, on behalf of Shri B. K. Gadhvi, I beg to lay on the Table—

I. A copy of the Report (in Hindi) of the Fourth Central Pay Commission, Part I (Vols. I to IV). [Placed in Library. *See* No. LT—3125|86].

II. A copy (in English and Hindi) of the Ministry of Finance (Department of Expenditure) Resolution No. 14(1)-IC|86, dated the 13th September, 1986, relating to the recommendations of the Fourth Central Pay Commission in respect of civilian employees of the Central Government in Group 'B', 'C' and 'D' and Government's decision to accept the recommendations subject to the improvements mentioned therein. [Placed in Library. *See* No. LT—3124|86].

III. A copy each (in English and Hindi) of the following Notifications of the Ministry of Finance (Department of Revenue) under section 159 of the Customs Act, 1962, together with Explanatory Memoranda on the Notifications:—